HIGH COURT OF UTTARANCHAL AT NAINITAL

Bail Application No. 1128 of 2006

CRIMINAL SIDE

Satpal @ Har Singh s/o Sri Murki Lal
Village Hatbadi, Patti Fateh Parwat, Tehsil Mori
District Uttarkashi ....Accused/Applicant

Versus

State of Uttaranchal ..... Opposite Party

Case Crime No. 5 of 2006
Under Sections 420, 467, 468, 120-B I.P.C.
Patwari circle, Devdhung, Tehsil Purola, District Uttarkashi

By the Court

Hon'ble Rajesh Tandon J.

Heard Sri Sandeep Tandon, Advocate for the applicant and the A.G.A. for the prosecution.

Accused applicant Satpal has applied for bail in case crime No. 5 of 2006 under Sections 420, 467, 468, 120-B I.P.C. Patwari Circle, Devdhung, Tehsil Purola, District Uttarkashi. According to the prosecution case accused applicant has fraudulently sold plot no. 1610 area 0.470 hectare belonging to the complainant, to one Surendra Kumar.

Counsel for the accused applicant has submitted that while executing the sale deed plot no. 1610 was wrongly typed while in point fact the applicant is the owner of plot no. 1612 which is adjacent to the plot of the complainant and as such it was a bond fide mistake on the part of the accused.

Further it has been argued that Hari Singh is the owner of plot no. 1610 and his land has not been grasped by the accused and has given physical possession of plot no. 1612 to the vendee.

Without expressing anything on the merits of the case, so as not to prejudice the trial and considering the totality of facts and circumstances, in my opinion, it is a fit case for bail.

Let the accused applicant be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

Rajesh Tandon, J.

Dated:30.11.2006
*Dhyani